facing layers. Support for this Amendment can be found on page 15, lines 10-14, of Applicants' specification.

No new matter has been added.

New Claims

Applicants have added new Claims 59 and 60. Support for new Claims 59 and 60 can be found on page 15, lines 10-14, of Applicants' specification. No new matter has been added.

Cited Co-pending Applications

The Examiner has indicated that the co-pending applications cited in the First Information Disclosure Statement dated 29 May 2001 have not been considered, as copies were not included and the applications were not available to the Examiner. Applicants have enclosed a Supplemental First Information Disclosure Statement including copies of the previously cited co-pending applications.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1, 9, 17, 18-24, 25, 26, 29, 30, 32, 34, 36, 38, 49-58 under 35 U.S.C. §102(b) as being anticipated by Melbye et al. (WO 95/34264) is respectfully traversed.

Applicants have amended Claims 1 and 49 to require a first facing layer or material bonded to a first side of the low tension zone and a first side of the high tension zone, a second facing layer or material bonded to a second side of the low tension zone and a second side of the high tension zone, and a barrier layer positioned between at least a portion of each of the first and second facing layers or materials.

Melbye et al. teaches thermally bonding first and second sheets directly to the molten, extruded elastic strands (See, for example, page 16, lines 3-7). There is no teaching or suggestion in Melbye et al. that an additional layer, such as Applicants' barrier layer, can be positioned between the first and second sheets. As Melbye does not teach or suggest a barrier layer between first and second facing layers, Melbye et al. does not anticipate Applicants' invention of amended Claims 1

and 49. Claims 9, 17, 18-24, and 50-58 depend from amended Claims 1 and 49, and are patentable for at least the same reasons discussed above for amended Claims 1 and 49.

Applicants' amended Claims 25 and 38 each recite a method of producing a targeted elastic laminate material including extruding a plurality of elastomeric first and second filaments, cooling the first and second filaments, stretching the first and second filaments by different amounts, and forming a laminate material by adhering the stretched first and second filaments to a first facing material and an opposing second facing material.

Melbye et al. teaches extruding elastic strands in molten form and thermally bonding first and second corrugated sheets to the molten elastic strands (Pages 13-21; Figs. 1, 4, 9, 10, 12, 15, and 18). The arcuate surfaces of the first and second corrugated sheets thermally bond to the molten elastic strands at anchor portions 14 and 34 (For example, see page 16, lines 3-12). The laminate is stretchable as the strands are elastic and the corrugated sheets extend to a linear state upon application of a stretching force.

Applicants' inventions of amended Claims 25 and 38 require cooling the first and second filaments, stretching the filaments by different amounts, and adhering the stretched first and second filaments to a facing material. Melbye et al. teaches thermal bonding corrugated sheets to molten, unstretched filaments, and does not teach or suggest cooling the filaments, stretching the filaments, and/or adhering the stretched filaments to the corrugated sheets. As Melbye et al. does not teach each and every limitation of Applicants' amended Claims 25 and 38, Melbye et al. does not anticipate Applicants' inventions of amended Claims 25 and 38. Claims 26, 29, 30, 32, 34, and 36 depend from amended Claim 25 and are patentable for at least the same reasons as discussed above for amended Claim 25.

Claim Rejections - 35 U.S.C. §103

Claims 1-58 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Melbye et al. (WO 95/34264) in view of Mleziva et al. (U.S. Patent 6,057,024). As discussed above, Applicants' amended Claims 1 and 49 include a first

facing layer (Claim 1) or material (Claim 49) bonded to a first side of a low tension zone and a first side of a high tension zone, and a second facing layer or material bonded to a second side of the low tension zone and a second side of the high tension zone with a barrier layer positioned between at least a portion of each of the first and second facing layers or materials.

As discussed above, Melbye et al. does not teach or suggest a barrier layer between the disclosed first and second corrugated sheets. Mleziva et al. teaches a composite elastic material including ribbon-shaped elastomeric elements disposed in a machine direction and point bonded to an extensible layer (Abstract). Mleziva et al. does not teach high and low tension zones as in Applicants' claimed invention. Mleziva also does not teach or suggest a barrier layer between two facing layers or materials, as in Applicants' amended Claims 1 and 49, respectively. Therefore, one skilled in the art would not find a suggestion or motivation in either Melbye et al. or Mleziva et al. to form a targeted elastic laminate material including at least one low tension zone and at least one high tension zone, a first facing layer or material and a second facing layer or material, and a barrier layer positioned between the first and second facing layers or materials, as required in Applicants' amended Claims 1 and 49.

Applicants' amended Claims 25 and 38 recite methods for producing a targeted elastic laminate material. The methods require stretching first and second filaments by different amounts before forming a laminate material by adhering the stretched first and second filaments to a first facing material and an opposing second facing material. As discussed above, Melbye et al. teaches thermally bonding first and second corrugated sheets to the molten filaments. One skilled in the art would not find a suggestion or motivation in Melbye et al. to stretch filaments before bonding to a first and second sheet as the disclosed filaments are molten during lamination and thus cannot be stretched. Furthermore, the sheets in Melbye et al. are corrugated prior to the bonding step, which renders the concept of stretching the filaments as unnecessary and illogical to achieve the elastic sheet-like composite of Melbye et al.

Mleziva et al. teaches forming an elastic laminate material from elastomeric ribbon material. However, Mleziva does not teach or suggest stretching a

first set of elastomeric ribbon materials by a different amount than a second set of elastic ribbon material before laminating the ribbon materials to either an extensible or stretchable layer. Therefore one skilled in the art reading Melbye et al. and Mleziva et al. would not find it obvious to produce a targeted elastic laminate material by methods requiring stretching the first and second filaments by different amounts before forming a laminate material and adhering the stretched first and second filaments to a first facing material and an opposing second facing material, as required in Applicants' amended Claims 25 and 38.

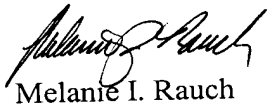
Claims 28-37 and 39-48 depend from one of amended Claims 25 and 38, and are therefore patentable for at least the same reasons as amended Claims 25 and 38.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Melanie I. Rauch
Registration No. 40,924

Pauley Petersen Kinne & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A targeted elastic laminate material, comprising:

at least one low tension zone, the low tension zone including a plurality of elastomeric first filaments, the low tension zone having a first basis weight;

at least one high tension zone, the high tension zone including a plurality of elastomeric second filaments, the high tension zone having a second basis weight higher than the first basis weight; [and]

a first facing layer bonded to [at least] a first side of the low tension zone and a first side of the high tension zone;

a second facing layer bonded to a second side of the low tension zone and a second side of the high tension zone; and

a barrier layer positioned between at least a portion of each of the first and second facing layers.

Claim 17 has been canceled.

25. (Amended) A method of producing a targeted elastic laminate material, comprising the steps of:

extruding a plurality of elastomeric first filaments from a plurality of spinning holes in at least one first spin plate region;

extruding a plurality of elastomeric second filaments from a plurality of spinning holes in at least one second spin plate region, the second filaments having a greater basis weight than a basis weight of the first filaments;

cooling the first and second filaments;

stretching the first and second filaments, such that the first filaments are stretched by a different amount than the second filaments;

forming a laminate material by adhering the stretched first and second filaments to a first facing material and an opposing second facing material; and

relaxing the laminate material.

Claims 26 and 27 have been canceled.

38. (Amended) A method of producing a targeted elastic laminate material, comprising the steps of:

extruding a plurality of elastomeric first filaments from a first spinning system having at least one first die, the first die having at least one spin plate region with a plurality of first spinning holes;

extruding a plurality of elastomeric second filaments from a second spinning system having at least one second die, the second die having at least one spin plate region with a plurality of second spinning holes, the second filaments having a greater basis weight than a basis weight of the first filaments;

cooling the first and second filaments;

stretching the first and second filaments, such that the first filaments are stretched by a different amount than the second filaments;

forming a laminate material by adhering the stretched first and second filaments to a first facing material and an opposing second facing material; and

relaxing the laminate material.

49. (Amended) A disposable garment comprising a targeted elastic laminate material, the targeted elastic laminate material comprising:

at least one low tension zone, the low tension zone having a plurality of elastomeric first filaments, the first filaments having a first basis weight;

at least one high tension zone, the high tension zone having a plurality of elastomeric second filaments, the second filaments having a second basis weight higher than the first basis weight;

a first facing material bonded to [at least] a first side of the low tension zone and a first side of the high tension zone;

a second facing material bonded to a second side of the low tension zone and a second side of the high tension zone; and

a barrier layer positioned between at least a portion of each of the first and second facing materials.

59. (New) The targeted elastic laminate material of Claim 1, wherein the barrier layer is positioned between layers including one of elastomeric first filaments, elastomeric second filaments, and combinations thereof.

60. (New) The disposable garment of Claim 49, wherein the barrier layer is positioned between layers including one of elastomeric first filaments, elastomeric second filaments, and combinations thereof.